

I. INTERVIEW SUMMARY

On May 10, 2006, Applicant's Attorney initiated a Telephonic Interview with Examiner Amy Sterling. Participants in the Interview were Examiner Sterling and Applicant Attorney Michael Kutas. During the Interview, Examiner expressed reservation regarding patentability due to the simplistic nature of the invention. Discussions were had and Examiner commented that amending Claim 5 to provide for "consisting of," as opposed to "comprising" would introduce narrowing language. Further, discussion was had regarding size limitations. Examiner commented that size limitations generally are not grounds for patentability. However, where as in this case, size is an important feature, size limitations in relation to itself may be considered. The Examiner explored the potential to seek application in combination with other structures if Applicant's invention is produced with such other structures.

The Interview ended with Applicant's Attorney indicating his desire to submit an Amendment After Final with the discussed limiting language for Examiner's consideration.

II. REMARKS

Applicant submits the above Claim Amendments in response to Examiner's Final Office Action, and seeks consideration of the following argument based upon the fact that your Applicant has not had an opportunity to address Examiner's cites prior art, as Examiner first presented the relied upon prior art in her Final Office Action.

Initially, the Examiner has objected to Claim 5. Claim 5 has been amended to replace the colon with a semi-colon so as to correct the claim and overcome Examiner's Objection.

By the above amendment, Applicant has canceled Claims 8 and 9, and amended Claims 5-7 to narrow said Claims and define the invention more particularly and distinctly so as to overcome the rejections and define the invention patentably over the prior art.

Significantly, in Claim 5, Applicant has further limited the Claim by replacing the phrase "comprising" with "consisting of," and by limiting the tubular body having a substantially circular cross-section by providing that said body is closed.

Rejection of all Claims Pursuant to 35 USC §112 Overcome

Applicant has rewritten Claim 5 to provide an antecedent basis for an awning roller rail channel of Claims 6 and the width and length of the respective elements of the apparatus referred to in Claim 7 to define the invention more particularly and distinctly so as to overcome rejection of these claims under §112.

Claim 6 has been amended to clarify the claim by referring to features established in Claim 5. This language is meant also to clarify how the tubular body of the present invention must be of such dimension so as to be able to be inserted into the opening on the end of an awning roller rail, while allowing the body of J-shaped configuration to extend through said channel. The tubular body, therefore, is small enough so as to allow it to fit into the opening on the end of the awning roller rail, but large enough to prohibit it from passing through the channel. This combination facilitates the tubular body being

retained inside the awning roller rail, while allowing the body of J-shaped configuration to remain outside the awning roller rail for receipt of articles in its U-shaped cradle.

Claim 7 has been amended to refer to features established in Claim 5 relating to width and length, and to define the size of the apparatus of the present invention in relation to itself.

Rejection of Claims 5-7 Pursuant to 35 USC §102(b) Overcome

The present Office Action rejected claims 5 through 9 of the present application on United States Patent No. 4,856,744 to Frankel. Claims 5-7 have been amended to define patentability over Frankel. Applicant requests reconsideration of these rejections due to the fact that the apparatus in Frankel does not teach or anticipate an application capable of being accomplished by the present invention, and the novel physical features of claims 5-7 create new and superior results and hence are unobvious and patentable over the Frankel reference.

Frankel and Differences of the Present Invention Thereover

Frankel discloses a support assembly that can either be "integrally formed" with a handle or handlebar, mounted to a handle or handlebar via a fastening mechanism such as "screws" that "permanently secure" a clasp to the handle or handlebar, or constructed in such a way "permitting elasticity" so as to facilitate attachment to a handle or handlebar.

Each manner disclosed in Frankel of attaching the support assembly to the handle or handlebar necessarily eliminates it from performing the purpose disclosed by your Applicant in the present Application. Frankel cannot accomplish that which is

accomplished by the present invention due to the fact that no embodiment disclosed or anticipated by Frankel is appropriate for insertion into and capable of securing a tubular body within a cavity such as an awning roller rail.

Clearly, reference to a support mechanism integrally formed with the handle or handlebar is not relevant to the present Application. Neither can a support mechanism that includes a bracket that must be secured in place by threaded screws. The size and dimensions alone of such an apparatus would eliminate it from accomplishing that which is established under the present invention.

Therefore, the only possible embodiment of Frankel that could be argued in support of Examiner's §102(b) Rejection is said embodiment which includes a means of "elasticity" allowing the fastening body to be opened or widened to fit over the handle or handlebar and securing said apparatus in place. Your present Application has been amended to highlight the fact that said tubular body is "closed." This feature is essential in the function of the claimed apparatus, as any split or opening allowing elasticity in said tubular body, as disclosed in Frankel, introduces the possibility that said tubular body could become lodged inside the awning roller rail, or be allowed to pass through the channel running the length of said awning roller rail.

Further, Frankel's tubular body includes a "lower lip" which "depends down from the cylindrical body." Again, such design features may be necessary to accomplish the result sought in Frankel, but inclusion of such features severely impacts its ability to accomplish the result achieved by the present invention.

While Frankel presents a unique assembly for supporting items from a handle or handlebar, the tubular body in Frankel necessarily must be designed to be integrated into

or attached around a handle or handlebar. These design features cannot be present in an awning roller rail hook, as such features would greatly diminish, if not totally frustrate the object of the present invention. As such, your Applicant submits that the assembly in Frankel cannot be seen as anticipating Claims 5-7 of the present invention.

Further, Applicant submits that the novel physical features of Claim 5 are also non-obvious and hence patentable under §103, since it produces new and superior results over Frankel. These new and superior results are the ability of applicant's apparatus to be easily inserted into the end of an awning rail, and be freely movable along the slot along the awning roller rail without being allowed to pass through said slot. The novel features of Applicant's hook that achieve these differences are clearly recited in Claim 5.

The Dependent Claims are a Fortiori Patentable over Frankel

Amended dependent claims 6 and 7 incorporate all the subject matter of claim 5 and add additional subject matter that makes them a fortiori and independently patentable over these references.

Claim 6 includes the ability to insert said tubular body into the opening in an awning roller rail. As discussed, only one embodiment of Frankel could accomplish this task, but its design would frustrate the ability of the apparatus to freely slide along said awning roller rail, and presents the ability for said apparatus to pass through said channel that runs the length of said awning roller rail.

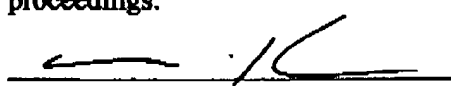
Claim 7 seeks to define the length said tubular body in relation to the J-shaped body.

Conclusion

For all the reasons stated herein, your Applicant requests entry of this Amendment as the he believes Claims 5-7 have been appropriately narrowed and that the claims are now in proper form and define patentably over the prior art. Therefore, Applicant submits that this Application is now in condition for allowance, which action Applicant respectfully solicits.

Conditional Request for Constructive Assistance

Applicant has amended the Specification and Claims of this Application so that they are proper, definite, and define a novel structure that is also unobvious. If, for any reason, this Application is not believed to be in full condition for allowance, Applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. §2173.02 and §707.07(j) in order that the Applicant can place this Application in allowable condition as soon as possible and without the need for further proceedings.


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I hereby certify that this correspondence will be faxed to Group 3632 of the Patent and Trademark Office at the following number: 571.273-8300 on the date listed below.

June 9, 2006


Michael R. Kutas